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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,895	10/04/2005	Yoshihisa Komatsu	0445-0353PUS1	2480
2292 7590 01/02/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER AFTERGUT, JEFF H	
			ART UNIT 1791	PAPER NUMBER
			NOTIFICATION DATE 01/02/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

**Application No.**

10/536,895

**Applicant(s)**

KOMATSU, YOSHIHISA

**Examiner**

Jeff H. Aftergut

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9-1-05, 5-27-05.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Suzuki et al or Japanese Patent 2003-33391 in view of Merkatoris et al and Taub.

Either one of Suzuki et al or Japanese Patent '391 taught that it was known at the time the invention was made to form a standing cuff member having a structure which included a web with stretched elastics thereon. The reference to Japanese Patent '391 taught that one skilled in the art would have assembled a plurality of elastic strands within a web by applying adhesive to the elastic strands or the web with applicators 14, 15, and passing the elastic strands and the web through a folding board assembly wherein the web was folded about and enclosed the elastics therein and formed a standing elastic member for a disposable diaper as depicted in Figure 5. Note that a portion of one side of the web was folded over the central region of the elastics and the other portion of the web was folded over the remainder of the elastics to enclose the same within the web. The reference employed a single folding mechanism to assemble the elastic cuff element. The reference to Suzuki et al suggested that those skilled in the art would have formed a similar structure to that of Japanese Patent '391 as depicted in Figures 2-5 wherein a nonwoven web was assembled about an elastic component 11

and folded over either side of the same. The reference to Suzuki et al failed to make mention of the use of folding boards which were used in sequence to form the containment flap therein, however the reference clearly suggested that some type of folding operation must have been performed in order to manufacture the component.

The reference to Merkatoris suggested that those skilled in the art of making a disposable absorbent diaper would have understood that folding boards were well known in the art and useful for folding a nonwoven web about an elastic component in the manufacture of a flap for the same. The artisan viewing the reference to Merkatoris would have readily appreciated that the use of a folding board to manufacture the component of either one of Japanese Patent '391 or Suzuki et al would have been within the purview of the ordinary artisan. The reference suggested that one employ plural folding boards, one for each flap being manufactured, but did not expressly state that the same flap component would have been acted upon by sequentially disposed folding boards.

The reference to Taub suggested that those skilled in the art at the time the invention was made would have incorporated a plurality of folding boards to impart plural folds on the same flap component in the manufacture of a disposable absorbent article wherein the folding mechanisms (the folding boards) were disposed in sequence one after the other in order to fold the assembly. the applicant is more specifically referred to Figure 4, 5, and 6 where the assemblies are fed with vacuum conveyors 86 and 90 through the sequential folding mechanism which included folding plows (or boards) 88 and 92. Clearly, to provide multiple folds for the same flap, rather than

utilizing a single folding board to fold the assembly all at once, one skilled in the art would have understood that multiple folding boards in sequence would have been suitable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize plural folding boards in sequence to fold to make the flaps and/or cuff members of a disposable absorbent article as suggested by Taub in the operation of either one of Japanese Patent '391 or Suzuki et al as the sequential folding would have allowed for greater flexibility in making the fold lines therein when using a folding board assembly such as was known as taught by Merkatoris to make the folded flap assemblies of either one of Japanese Patent '391 or Suzuki et al.

With respect to claim 2, note that both of Suzuki et al and Japanese Patent '391 suggested that one skilled in the art would have employed individual elastics in the manufacture therein. Regarding claim 3, note that Japanese Patent '391 and Suzuki et al provided adhesive to join the folded nonwoven assembly with the elastics therein. Regarding claim 4, note that Taub suggested that suction would have been used to hold the web and assist in conveying the same during the folding operation with the folding boards therein. Regarding claims 5 and 10, such an arrangement was suggested by Japanese Patent '391 or Suzuki et al. regarding claim 6, both references suggested that those skilled in the art would have secured the elastics to the web with adhesive material. Regarding claim 8, note that the references to Japanese Patent '391 and Merkatoris suggested the specified adhesive application. Regarding claim 9, note that the reference to Taub suggested that those skilled in the art would have employed suction belts in the assembly operation.

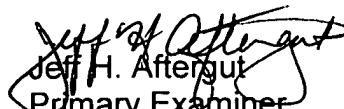
**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Hooper suggested the use of vacuum in combination with a folding board in the folding of a disposable absorbent article.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1791

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JHA  
December 22, 2007